

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

AMERICAN ECONOMY INSURANCE  
COMPANY, an Indiana corporation,

CASE NO. 06cv2395 WQH (CAB)

**ORDER**

Plaintiff,

vs.

NICEFORO HERRERA, individually and  
doing business as ACAPULCO'S PRODUCE  
MARKET, et al.,

Defendants.

HAYES, Judge:

The Joint Motion for Entry of Judgment of Rescission (Doc. # 71) is **GRANTED**. The business owner's policy of insurance, policy No. 02-BP-423048-1, issued to Niceforo Herrera for the January 23, 2006 to January 23, 2007 policy period is rescinded and unenforceable. JUDGMENT is entered in favor of American Economy Insurance Company and against Niceforo Herrera on the first and second claims in the supplemental first amended complaint (Doc. # 60). The third, fourth and fifth claims in the supplemental first amended complaint are DISMISSED with prejudice as against Niceforo Herrera only. American Economy Insurance and Niceforo Herrera shall each bear its own costs and fees.

DATED: May 7, 2008

  
**WILLIAM Q. HAYES**

United States District Judge